

CHAPTER 422

TRANSPORTATION

HOUSE BILL 10-1147

BY REPRESENTATIVE(S) Kefalas, Fischer, Gagliardi, Hullinghorst, Kerr A., McFadyen, Primavera, Vigil, Benefield, Labuda, Ryden, Schafer S., Todd, Tyler, May, Pace;
also SENATOR(S) Bacon.

AN ACT

CONCERNING SAFER USE OF NONMOTORIZED WHEELED TRANSPORTATION BY MINORS, AND, IN CONNECTION THEREWITH, CODIFYING INTO LAW THE EXISTING BIKE AND PEDESTRIAN POLICY DIRECTIVE OF THE DEPARTMENT OF TRANSPORTATION AND REQUIRING THE DEPARTMENT OF TRANSPORTATION, IN COLLABORATION WITH THE DEPARTMENTS OF EDUCATION AND PUBLIC SAFETY AND APPROPRIATE NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS, TO NOTIFY SCHOOLS OF THE AVAILABILITY OF AND MAKE AVAILABLE TO SCHOOLS EXISTING EDUCATIONAL CURRICULUM FOR MINORS REGARDING THE SAFE USE OF PUBLIC STREETS AND PREMISES OPEN TO THE PUBLIC.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) It is in the best interests of all Coloradans to make our streets safe for all users including motorists, transit users, pedestrians, bicyclists, and users of other types of nonmotorized wheeled transportation;

(b) The safe routes to school program and the bicycle and pedestrian policy adopted by the Colorado department of transportation help to make our streets more friendly to pedestrians, bicyclists, and users of other forms of nonmotorized wheeled transportation and to encourage more children to walk, bike, or use another form of nonmotorized wheeled transportation to get to and from school safely; and

(c) Children and adolescents will benefit from additional education regarding the rules of the road, high risk traffic situations, and the safe use of bicycles and other forms of nonmotorized wheeled transportation.

(2) The general assembly further finds and declares that:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) In its strategic plan, the Colorado state patrol has made a commitment to lead and to sustain a cooperative effort that will eliminate most traffic fatalities in Colorado by 2025;

(b) Although bicycling is a safe and healthy activity, on average, eleven bicyclists are killed and five hundred forty bicyclists are hospitalized annually in Colorado due to injuries sustained in bicycle crashes;

(c) Brain injury is the leading cause of death and serious disability resulting from the use of nonmotorized wheeled transportation, and in Colorado approximately one-third of hospital emergency room visits for bicycle-related accidents are for brain injuries;

(d) Of all age groups, children between the ages of five and fourteen have the highest rate of bicycle-related hospital admissions, and almost one-third of such hospitalized children have suffered brain injuries; and

(e) Because the economic cost to an individual and to society of a single severe nonfatal brain injury can exceed two million one hundred thousand dollars, the state has a legitimate interest in preventing and mitigating the severity of such injuries.

(3) The general assembly further finds and declares that it is necessary, appropriate, and in the best interest of the state to:

(a) Adopt the existing bike and pedestrian policy directive of the department of transportation as law; and

(b) Facilitate the promulgation and distribution of a nonmotorized wheeled vehicle safety education curriculum.

SECTION 2. Part 1 of article 1 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

43-1-120. Bicycle and pedestrian policy - codification - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IT IS IN THE BEST INTEREST OF ALL COLORADANS TO PROMOTE TRANSPORTATION MODE CHOICE BY ENHANCING SAFETY AND MOBILITY FOR BICYCLISTS AND PEDESTRIANS ON OR ALONG THE STATE HIGHWAY SYSTEM;

(b) THE DEPARTMENT HAS ADOPTED A BIKE AND PEDESTRIAN POLICY DIRECTIVE TO FURTHER THIS GOAL; AND

(c) IT IS NECESSARY AND APPROPRIATE TO ELEVATE THE STATUS OF THE BIKE AND PEDESTRIAN POLICY OF THE DEPARTMENT TO THAT OF LAW BY CODIFYING IT IN SUBSECTION (2) OF THIS SECTION.

(2) (a) THE DEPARTMENT AND ITS SUBDIVISIONS SHALL PROVIDE TRANSPORTATION INFRASTRUCTURE THAT ACCOMMODATES BICYCLE AND PEDESTRIAN USE OF PUBLIC STREETS IN A MANNER THAT IS SAFE AND RELIABLE FOR

ALL USERS OF PUBLIC STREETS;

(b) THE NEEDS OF BICYCLISTS AND PEDESTRIANS SHALL BE INCLUDED IN THE PLANNING, DESIGN, AND OPERATION OF TRANSPORTATION FACILITIES AS A MATTER OF ROUTINE; AND

(c) ANY DECISION OF THE DEPARTMENT TO NOT ACCOMMODATE THE NEEDS OF BICYCLISTS AND PEDESTRIANS SHALL BE DOCUMENTED BASED ON EXEMPTION CRITERIA THAT WERE ESTABLISHED BY THE COMMISSION BEFORE THE DECISION WAS MADE.

SECTION 3. Article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 23
EDUCATION REGARDING USE OF NONMOTORIZED
WHEELED TRANSPORTATION BY MINORS

42-4-2301. Comprehensive education. (1) THE DEPARTMENT OF TRANSPORTATION, IN COLLABORATION WITH THE DEPARTMENTS OF EDUCATION AND PUBLIC SAFETY AND APPROPRIATE NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS, SHALL NOTIFY SCHOOLS OF THE AVAILABILITY OF AND MAKE AVAILABLE TO SCHOOLS EXISTING EDUCATIONAL CURRICULUM FOR INDIVIDUALS UNDER EIGHTEEN YEARS OF AGE REGARDING THE SAFE USE OF PUBLIC STREETS AND PREMISES OPEN TO THE PUBLIC BY USERS OF NONMOTORIZED WHEELED TRANSPORTATION AND PEDESTRIANS. THE CURRICULUM SHALL FOCUS ON, AT A MINIMUM, INSTRUCTION REGARDING:

- (a) THE SAFE USE OF BICYCLES;
- (b) HIGH RISK TRAFFIC SITUATIONS;
- (c) BICYCLE AND TRAFFIC HANDLING SKILLS;
- (d) ON-BIKE TRAINING;
- (e) PROPER USE OF BICYCLE HELMETS;
- (f) TRAFFIC LAWS AND REGULATIONS;
- (g) THE USE OF HIKING AND BICYCLING TRAILS; AND
- (h) SAFE PEDESTRIAN PRACTICES.

SECTION 4. Specified effective date. This act shall take effect July 1, 2010.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 10, 2010